IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13148 of 2005

Between:

1 Mohd.Sharfuddin, S/o.Shabuddin,
Vysya Hostel, R/o.3-4-303, Lingampally,Hyderabad.
2 Mohd.Yousuf, S/o.Osman Alias Ismail,
Vysya Hostel, R/o.3-4-303/6, Lingampally,Hyderabad.

....PETITIONERS

AND

1 The Municipal Corporation of Hyderabad, Rep by its Commissioner,
Tank Bund, Hyderabad.
2 A.P.State Wakf Board rep by Executive Officer, Haj House, Nampally, Hyderabad
R2 is impleated as per Court Order dated 1-7-2005 in WPMP 17245 of 2005

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents herein issuing a writ, order or direction more particularly one in the nature of writ of mandamus to declare the action of the respondent in not initiating any steps against the illegal constructions/encroachers by demolishing such illegal construction in the wakf property bearing municipal No.3-4-284 and 285, situated at Kachiguda, Hyderabad in pursuance of representation dt.27-1-2005 and 13-5-2005 as arbitrary, illegal, unjust, contrary to law and violation of Articles 14 and 21 of the constitution of India

Counsel for the Petitioner:MR.P.SRIDHAR RAO

Counsel for the Respondents.: MR.RAMA RAO GHANTA

The Court made the following :

ORDER:

1. This writ petition is filed to declare the action of the respondents in not initiating any steps against the illegal constructions/encroachers by demolishing such illegal constructions in the wakf property bearing Municipal No. 3-4-284 and 285, situated at Kachiguda, Hyderabad in pursuance of representation dated 27-1-2005 and 13-5-2005 as arbitrary and illegal.

2. It is the case of the petitioner that the Wakf property Dargah-Mukke-Shah grave yard No. 3-4-284 and 285 situated at Kachiguda, Hyderabad admeasuring 1905 square yards was declared to be Wakf property vide A.P. Gazette No. 28-A1, dated 19-7-1984. The land grabbers who are unsuccessful before all the Forums have also illegally created tax receipts with an intention to grab the land and having known the fact that the property is a Wakf property, issued public notice, dated 23-9-2004 in daily news paper, posing themselves as the owners of the property. Having come to know the illegal attempt the petitioners made representation to the respondents dated 27-1-2005, 9-2-2005, 15-2-2005 finally on 26-2-2005 to take appropriate action and to protect the Wakf property from land grabbers as contemplated under the Wakf Act, 1995.

3. Heard the learned counsel for the petitioner as well as learned standing counsel for respondents.

4. After considering the facts and circumstances of the case, I deem it appropriate to direct the respondents to dispose of the representations made by the petitioners dated 27-1-2005 and 13-5-2005 within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No order as to costs.

Elipe Dharma Rao, J.

19th July, 2005.

Note:

C.C. in a week

B/o

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Municipal Corporation of Hyderabad, Rep by its Commissioner, Tank Bund, Hyderabad.
2 A.P.State Wakf Board rep by Executive Officer, Haj House, Nampally, Hyderabad
3. 2 CD copies

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13148 of 2005

19th JULY, 2005.